

# PATENT COOPERATION TREATY

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WRITTEN OPINION  
(PCT Rule 66)

Date of mailing (day/month/year)		12.07.2004
Applicant's or agent's file reference LB1876		REPLY DUE within 3 month(s) from the above date of mailing
International application No. PCT/GB 03/04400	International filing date (day/month/year) 10.10.2003	Priority date (day/month/year) 11.10.2002
International Patent Classification (IPC) or both national classification and IPC F04F5/46		
Applicant PURSUIT DYNAMICS PLC		


- This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:
  - ☒ Basis of the opinion
  - ☐ Priority
  - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Lack of unity of invention
  - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Certain documents cited
  - ☐ Certain defects in the international application
  - ☐ Certain observations on the international application
- The applicant is hereby invited to reply to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 11.02.2005

Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5816 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel: +31 70 340 - 2040 Tx: 31 661 epo nl Fax: +31 70 340 - 3016	Authorized Officer Kolby, L. Formalities officer (incl. extension of time limits) Ter Haar, H Telephone No. +31 70 340-3817
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## WRITTEN OPINION

International application No. PCT/GB 03/04400

### I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

#### Description, Pages

1-36 as originally filed

#### Claims, Numbers

1-48 as originally filed

#### Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-8,11,13,18-20
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

- D1: US-A-3 664 768 (MAYS JOHN C ET AL) 23 May 1972 (1972-05-23)  
D2: PATENT ABSTRACTS OF JAPAN vol. 016, no. 498 (M-1325), 15 October 1992 (1992-10-15) -& JP 04 184000 A (MITSUI ENG & SHIPBUILD CO LTD), 30 June 1992 (1992-06-30)

2. The document D1 discloses (the references in parentheses applying to this document) (see figures 1 and 4) :

A fluid mover (20) wherein a hollow body (22) provided with a straight-through passage of substantially constant cross section, an inlet (34) at one end of the passage and an outlet (38) at the other end of the passage for the entry and discharge respectively of a working fluid, a nozzle (56) circumscribing and opening into said passage intermediate the inlet and outlet ends (34,38) thereof, an inlet (54) communicating with the nozzle (56) for the introduction of a transport fluid, a mixing chamber being formed within the passage downstream of the nozzle (56).

2.1 The last 5 lines of claim 1, relate to the fact that, the nozzle (16) being so disposed and configured that in use a dispersed droplet flow regime and a supersonic shock wave are created within the mixing chamber (3A) by the introduction and condensation of the transport fluid.

As it is not clear which structural features the above 5 lines of claim 1 would imply, the subject-matter of claim 1 is not distinguished from a fluid mover according to document D1 in a clear way.

Furthermore, as document D1 discloses all identifiable structural features of the independent claim 1 and since the nozzle appears to be suitable for use with e.g. steam operating under the conditions laid down in the above 5 lines of claim 1, the present application does not appear to meet the criteria of Article 33(1) PCT, as the subject-matter of claim 1 under it's present wording does not seem to be new in the sense of Article 33(2) PCT (see also PCT Guidelines Chapter 12, 12.05).

2.2 The same reasoning applies to the subject-matter of the corresponding independent claim 2, which therefore is also considered not new.

2.3 The document D2 discloses also all identifiable structural features of the independent claims 1 and 2.

3. At least the dependent claims 3-8, 11, 13 and 18-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.